

STATEMENT OF BASIS (AI No.41248)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0104981 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Devall Enterprises, Inc.
Devall Barge Cleaning
Post Office Box 129
Hackberry, Louisiana 70645

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Michelle Bickham

DATE PREPARED: January 10, 2006

1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

- B. NPDES permit -
NPDES permit effective date: N/A
NPDES permit expiration date: N/A
- C. LWDPS permit - (WP4044)
LWDPS permit effective date: December 8, 1992
LWDPS permit expiration date: December 7, 1997
- D. LPDES permit - (LA0104981)
LPDES permit effective date: November 1, 1999
LPDES permit expiration date: October 31, 2004
- D. Date Application Received: July 7, 2004

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - barge cleaning and repair facility

Devall Enterprises, Inc. is an existing barge cleaning and repair facility. The facility cleans barges that have carried rock, grain, and coke. The cleaning process includes loading a bobcat into open top barges to remove excess product. The excess coke is stored in a container to be returned back to the plant; the excess rock is used as a road base; and, the excess grain is used to feed cattle. After the excess product is removed, the barge is swept clean. Water is pumped from the Calcasieu Ship Channel to wash down the barge. The washwater is then pumped into a settling barge for product separation and then discharged back to the Calcasieu Ship Channel.

B. FEE RATE

1. Fee Rating Facility Type: Minor
2. Complexity Type: II**
3. Wastewater Type: II
4. SIC code: 4491, 3731

**The complexity for SIC code 3731 is IV; however, based on the Strategy for Complexity Designation for SIC codes 3731 and 3732, facilities discharging washwater from dry commodity and coke barges shall receive a complexity of II.

C. LOCATION - 7985 Intracoastal Park Road, Sulphur, Calcasieu Parish
Latitude 30°04'51", Longitude 93°19'40"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: grain and rock barge washwater
Treatment: none
Location: at the point of discharge from the grain or rock barge being washed (Latitude 30°04'51", Longitude 93°19'40")
Flow: 2500 gpd
Discharge Route: directly to the Calcasieu Ship Channel thence to the Intracoastal Waterway

Outfall 002

Discharge Type: coke barge washwater
Treatment: none
Location: at the point of discharge from the coke barge being washed (Latitude 30°04'51", Longitude 93°19'40")
Flow: 2500 gpd
Discharge Route: directly to the Calcasieu Ship Channel thence to the Intracoastal Waterway

4. RECEIVING WATERS

STREAM - Calcasieu Ship Channel thence to the Intracoastal Waterway

BASIN AND SEGMENT - Calcasieu Basin, Segment 030401

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
d. oyster propagation

5. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

6. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

An inspection was conducted on February 11, 2003. The findings were as follows: (1) facility had last washed a barge on 11/25/2002; (2) facility moved the barge cleaning operations from the Devall west fleet to the Devall east fleet in July 2001 - since then all cleaning has taken place at the Devall east fleet (this is east of the location in the existing permit; a letter was sent in July 2001 advising that the cleaning operations would be moved further to the east); new receiving water is Choupique Bayou (site location map shows that receiving water is actually Calcasieu Ship Channel thence to Intracoastal Waterway)

B. DMR Review/Excursions

A DMR review was conducted for the last two years. All DMR's were submitted in accordance with the existing permit. One excursion was noted:

<u>Date</u>	<u>Parameter</u>	<u>Outfall</u>	<u>Reported Value</u>	<u>Permit Limits</u>
9/30/05	COD	002	412 mg/L	205/400 mg/L

7. EXISTING EFFLUENT LIMITS

Outfall 001 - grain and rock barge washwater

No effluent limitations were established for grain and rock barge washwaters. Best Management Practices (BMPs) for barge operations were included in Part II.

Outfall 002 - coke barge washwater

Parameter	LPDES	
	Monthly Average	Daily Max
Flow - MGD	Report 1/week Est.	Report 1/week Est.
TSS	Report 1/month Grab	Report 1/month Grab
COD	250 mg/L 1/week Grab	400 mg/L 1/week Grab
pH	6 - 9 s.u. 1/week Grab	

Additional BMP language for coke barge operations was included in Part II.

8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 030401 of the Calcasieu Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 21, 2005, from Watson (FWS) to Gautreaux (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the

National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

Rationale for Devall Enterprises, Inc.

1. **Outfall 001 - grain and rock barge washwater** (estimated flow is 2500 gpd)

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing dry commodities including rock (limestone) and grain (rice, corn, and wheat) - See Attachment A. Best Management Practices (BMPs) for barge operations are listed in Part II.

2. **Outfall 002 - coke barge washwater** (estimated flow is 2500 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	BPJ; previous permit
TSS	---:Report	BPJ; pervious permit
COD	250:400	BPJ; previous permit
pH	6.0 - 9.0 s.u.	BPJ; previous permit

BMPs for barge operations including coke barge language is listed in Part II.

Treatment: none

Monitoring Frequency: 1/month for TSS and 1/week for all other parameters at the point of discharge from the coke barge

Limits Justification: BPJ based on similar facilities (Note: This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR 442, because in accordance with 40 CFR 442.1.a., "this part applies to discharges resulting from cleaning the interior tanks used to transport chemical, petroleum or food grade cargos." This facility does not clean tanks. Only open top hopper barges are cleaned.

BPJ Best Professional Judgement
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

As per LAC33:IX.2511.B.14.k, stormwater discharges from facilities classified as SIC Code 3731 and SIC code 4491 (that include equipment cleaning) are considered to be associated with industrial activities. Therefore, an SWP3 is included in the permit.

The SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II).

303(d)/TMDL WATERBODIES

Subsegment 030401 is not listed on LDEQ's Final 2004 303(d) as impaired. However, subsegment 030401 was previously listed as impaired for priority organics for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving waterbodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 030401:

The TMDL for Priority Organics was completed May 2002. The TMDL states that there were no permitted discharges of priority organics to the Lower Calcasieu Estuary and Ship Channel, and the two facilities that might discharge priority organics are located well away from the main channel. It stated that there was no evidence that priority organics are causing impairments upstream of this subsegment, and there is no evidence that priority organics are causing impairments of this subsegment. It further stated that this subsegment should be delisted for priority organics. Additionally, this facility is not anticipated to discharge priority organics.